

instances, inhibiting HIF hydroxylase activity (encompassed by the methods of Group II) stabilizes HIF alpha (encompassed by the methods of Group I). (See, e.g., International Publication No. WO 03/049686, cited in the present application at paragraph [0054].) Accordingly, Applicants submit that it would pose no serious burden to examine claims 1-31, the claims of Groups I and II, together, in their entirety, as a search for art relevant to the subject matter of the claims of one group would also identify art relevant to the claims of the other group. Therefore, Applicants respectfully request reconsideration and withdrawal of the restriction requirement as it applies to the claims of Groups I and II, claims 1-31.

If the Examiner is not persuaded by the above statements to withdraw the Restriction Requirement between the claims of Group I and Group II, and in order to comply with the provisions of 37 C.F.R. 1.143, Applicants hereby provisionally elect, with traverse, the invention corresponding to the claims of Group I, claims 1, 3-14, 16, 18, 20, 22-24, 26, and 28-31. Applicants reserve without prejudice the right to pursue any non-elected subject matter in continuing applications.

The Examiner stated that “[c]laims 4 and 13 link(s) inventions I and II” and that the “restriction requirement among the linked inventions is subject to the nonallowance of the linking claim(s), claims 1-3, 5-12, and 14-31.” (Restriction Requirement, page 2.) Applicants acknowledge the Examiner’s further stating that “[u]pon the indication of allowability of the linking claim(s), the restriction requirement as to the linked inventions shall be withdrawn and any claim(s) depending from or otherwise requiring all the limitations of the allowable linking claim(s) will be rejoined and fully examined for patentability...” (Restriction Requirement, page 2.)

Fourney, et al.

Response to Restriction Requirement mailed 14 June 2006

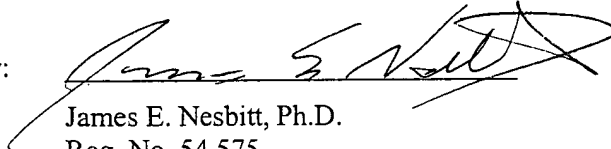
The Commissioner is hereby authorized to charge any necessary fees or credit any overpayment to Deposit Account No. 50-0811, referencing Docket No. FP0602.2 US. This form is enclosed in duplicate.

Please call Applicants' representative at 650-866-7289 with any questions regarding the present communication or the above-referenced application.

Respectfully submitted,

Date: 08 December 2006

By:

  
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